IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.328 (S/B) of 2003

Bijendra Kumar aged about 31 years,
S/o Late Sri Sukhveer Singh, R/o Vill. Habibpur Karri,
Post Raisi, Distt. Hardwar, Uttaranchal

... Petitioner

Versus

1. Public Services Tribunal, Uttaranchal at Dehradun
2. State of Uttaranchal through Principal Secretary, Revenue Department, Uttaranchal Shasan, Secretariat, Dehradun
3. Commissioner of Consolidation, Uttaranchal, Distt. Dehradun
4. Bandobast Adhikari (Consolidation) Distt. Dehradun

...Respondents

Sri M.C. Pant, learned counsel for the petitioners.
Learned standing counsel for the State.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal,J.

Dated: March 22, 2006

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the impugned judgment dated 10.04.2003 (Annexure No. 1) passed by Public Services Tribunal, Uttaranchal, Dehradun by which the claim petition of the petitioner has been dismissed.

Brief facts of the case as per the petitioner are that he was engaged as Chakbandi Lekhpal by the respondents for a period of 89 days in the scale of Rs.950-1500 vide order dated 31.12.1993 and in pursuance thereto he discharged his duties as such upto 29.03.1994. The respondents with a view to meet the workload engaged a number of persons for similar assignment and later on regularized their services. The petitioner submitted his representation to the authorities

concerned for that benefit also and his application was recommended by the Assistant Settlement Officer (Consolidation) Roorkee to the Consolidation Commissioner Lucknow on 17.12.1996. The petitioner thereafter also made several representations but all were in vain. During the meanwhile, one Vinod Kumar an employee who was junior to the petitioner also requested the respondents for regularization of his services on the same very grounds and since he did not receive any favourable consideration from the respondents, he filed a writ petition before the Allahabad High Court which was allowed vide judgment dated 14.02.2002 and a direction was issued to the respondents to consider the name of Sri Vinod Kumar for regularization as Chakbandi Lekhkpal. Since the respondents were not considering the issue of petitioner for regularization, hence the petitioner filed a claim petition before Public Service Tribunal. The Public Services Tribunal vide impugned judgment dated 10.04.2003 dismissed the claim petition of the petitioner. Feeling aggrieved, the petitioner has come up in the writ petition.

We have heard learned counsel for the parties and perused the entire evidence on record.

The Tribunal has specifically recorded a finding in its judgment that since the petitioner was appointed for a time bound assignment for 89 days and the said period was came to an end automatically on completion of the tenure, hence the petitioner was not liable to maintain the services. It has also been recorded by the Tribunal in its judgment that after the completion of the tenure, the petitioner did not turn up and slept over till the department undertook selection process from amongst those temporarily engaged Lekhpals where were still engaged and working under it. The Tribunal has categorically recorded a finding that the petitioner was

neither working at that time when the other employees were regularized nor did he apply for the job when the Department undertook to recruit the other persons. Accordingly, the learned Tribunal dismissed the claim petition of the petitioner.

We do not find any illegality or perversity in the order impugned. The findings recorded by the Tribunal seems perfectly justified and does not require any interference by this Court in exercise of powers under Article 226/227 of Constitution of India.

The writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang